REMARKS

1. **Summary of the Office Action**

In the non-final office action mailed on August 6, 2008, the Examiner rejected claims 10-18 under 35 U.S.C. § 112, ¶ 1 as being not being enabled by the specification. The Examiner rejected claims 10-18 under 35 U.S.C. § 112, ¶ 2 as being indefinite. The Examiner rejected claims 10 and 14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,788,696 (Allan) in view of U.S. Patent App. Pub. No. 2006/0056298 (Nag) and further in view of U.S. Patent App. Pub. No. 2002/0046406 (Chelehmal). The Examiner rejected claims 11-13 and 15-18 as being unpatentable over Allan in view of Nag and further in view of Chelehmal and U.S. Patent No. 7,170,905 (Baum).

2. **Status of the Claims**

In this response, claims 10-18 are pending, of which claims 10 and 14 are independent and the remainder are dependent. Claims 10 and 14 have been amended in this response.

3. **Response to § 112, ¶ 1 Rejection of Claims 10-18**

The Examiner rejected claims 10-18 as failing to comply with the written description requirement. Specifically, the Examiner opined "[c]laims 10 and 14 recite new limitations 'multiplexing the first and second flows into a same flow, wherein the first flow is transmitted at least in part via the connectionless network and comprises multimedia signals distinct from the messages reserving network resources'... Nowhere in specification describes these limitations in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." Office Action, pp. 2-3.

Applicant respectfully requests the Examiner first review page 4, lines 20-27 of the specification which state: "[t]he invention therefore provides...at least a first flow of a first service quality and at least a second flow with a second service quality, said first flow being transmitted to the client terminal through an unconnected [*i.e.,* connectionless] network, and said second flow being transmitted to said client terminal by a content server through a connected network...."

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5

MBHB 08-983-WO-US
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Then, Applicant respectfully requests the Examiner review page 5, lines 10-16 of the specification, which state: "according to the invention, the second flow represents audiovisual data and the first flow represents signals for controlling the second flow…" Therefore, the first flow is transmitted through a connectionless network and represents signals for controlling the second flow.

Additionally, Applicant respectfully requests the Examiner review page 10, lines 7-13 of the specification, which state "The video channel with the thereby created QoS is used for transferring the multimedia flow towards the client terminal 2 through the digital multiplexer 8 on the one hand, and on the other hand, for exchanging with the same client terminal 2, signals for controlling the multimedia flow such as read, pause, fast forward, fast backward and stop commands." Applicant notes that the multimedia signals mentioned in this passage of the specification do not reserve network resources.

Applicant therefore submits that claim 10 is enabled by the specification. As claim 14 recites similar limitations, Applicant submits claim 14 is enabled by the specification for at least the reasons presented above for claim 10.

In rejecting the dependent claims 11-13 and 15-18, the Examiner stated that "[a]ny claim not specifically addressed, above, is being rejected as incorporating the deficiencies of a claim upon which it depends." Office Action, p. 3. As Applicant has shown above that the independent claims 10 and 14 are enabled, Applicant submits that the dependent claims are enabled as well. Applicant therefore respectfully requests the Examiner withdraw the rejections of claims 10-18 under 35 U.S.C. § 112, ¶ 1.

4.   **Response to § 112, ¶ 2 Rejection of Claims 10-18**

The Examiner rejected claims 10-18 under 35 U.S.C. § 112, ¶ 2 as being indefinite. In response, Applicant has amended claims 10 and 14 to address the concerns indicated by the Examiner on page 4 of the Office Action. Applicant therefore respectfully requests the Examiner withdraw the rejections of claims 10-18 under 35 U.S.C. § 112, ¶ 2.

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6

MBHB 08-983-WO-US
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5.   Response to § 103 Rejection of Claims 10-18

The Examiner rejected claims 10-18 under 35 U.S.C. § 103(a) as being unpatentable over Allan in view of Nag and further in view of Chelehmal. Applicant responds that the cited art does not make claims 10-18 unpatentable, and thus claims 10-18 are allowable.

Amended claim 10 recites, *inter alia*, "selecting a proximity server among a plurality of content servers after localization of a client terminal". Support for this amendment may be found on page 9, lines 9-13. As such, no new matter is introduced.

Allan discloses techniques for providing transparent Quality of Service (QoS) and reducing bandwidth usage in an ATM network that uses VC-merging and delivery of content via an access network. Allan, Abstract. Allan describes that Customer Premise Equipment (CPEs) can request unicast or multicast data or other content that requires QoS. Allan, col. 6, lines 33-37. The requested content can be broadcast over a Virtual Channel Connection (VCC) from a service gateway to an access module serving several CPEs and then to the CPE. Allan, col. 5, lines 25-57 and Figure 1. To reduce network congestion, the requested content may be sent to the access module, replicated at the access module for each requesting CPE, and then "VC-merged" into a virtual channel link (VCL) set up for each CPE. Allan, col. 5, lines 58-65. A subscriber associated with a CPE can request streaming video, WebTV, or staggercast data requiring QOS from a service provider. Allan, col. 6, lines 33-38. Allan describes the use of the VC-merge as "[w]hen a plurality of CPEs 22a-22c request the same information, specifically multicast or broadcast service, the access node is directed via ATM signaling modified as per this invention to replicate the content producing a copy for each CPE and then performing a unique VC-merge per CPE at the access module 12, merging the requested information into a provisioned final Virtual Channel Link...." Allan, col. 5, lines 58-64. The service gateway may examine the request "by performing packet-snooping" to ensure the content is delivered using transparent QoS delivery. Allan, col. 6, lines 42-56. Allan also describes sending join messages to permit the CPE to add connections to already existing connections. Allan, col. 7, lines 1-14.

Nag describes multiplexing application flows by apportioning bandwidth between network devices associated with sets of terminals. Nag, Abstract. In discussing related art, Nag describes that the Resource Reservation Protocol (RSVP) is an Internet Protocol (IP)-based protocols that allows applications to communicate requirements on a per-flow basis (*e.g.,* QoS requirements) through the network. Nag, ¶ 0007. Nag also describes use of established "RSVP

pipes" for processing RSVP between media aggregation managers for accommodating several expected voice calls. Nag, ¶ 0087.

Chelehmal describes "a system for allowing on-demand delivery of data, such as MPEG-2 compressed video data, to a subscriber from a content server ... [where] control signals such as stop, rewind, fast-forward, and slow can be transmitted back to the content server to control the transmission of data from the content server to the subscriber." Chelehmal, Abstract. *See also*, Chelehmal, ¶¶ 0037 (use of set top box to send signals to content server) and 0038 (use of RSVP).

However, the cited art (Allan, Nag, and Chelehmal) does not disclose localization of client terminals, much less "selecting a proximity server among a plurality of content servers after localization of a client terminal" as recited in claim 10.

Applicant submits that claim 10 is allowable over the cited art. Further, as Applicant has amended claim 14 using similar language to claim 10, Applicant submits claim 14 is allowable for at least the reasons provided for claim 10. In addition, Applicant submits that dependent claims 11-13 and 15-18 are allowable for at least the reason that these claims depend from allowable claims 10 and 14, respectively. Applicant respectfully requests the Examiner withdraw the rejections of claims 10-18 under 35 U.S.C. § 103(a).

For at least the foregoing reasons, Applicant submits that the application is in good and proper form for allowance and respectfully requests the Examiner to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney, at (312) 913-3338.

Respectfully submitted,

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